

City Council Room

Austin, April 18th. 1871

The City Council met according to a special call by His Honor, the Mayor.
 Present : His Honor, is the chair; Attorneys - J. S. Beales, E. Eggleston
 Harry Madison, S. Musina, J. H. Abornan.

Absent : John Adams, J. Branson.

Borrom present.

His Honor laid before the City Council a Contract into which
 the City of Austin had entered with Wm Odom, J. B. Grindham
 and J. A. McMillan, for the purpose of having the sidewalks
 and street gullies of Congress Avenue paved in accordance
 with an Ordinance passed Febr. 23rd.

After the reading of said contracts, Abornan Musina moved
 its adoption, and the Yeas and Nays taken on said motion
 resulted as follows:

Yea - Mrs. J. S. Beale, E. Eggleston, Harry Madison, S.
 Musina, J. H. Abornan

Nay - none

Whereby said contract, a copy of which is herewith annexed, was
 adopted unanimously.

The following communication was received by the Board of Alderman
 reading as follows:

To the Honorable Board of Aldermen,

City of Austin, Texas.

Ballouman

I have the request your consent and
 approval to the appointment of S. Musina as President of the
 Council as required by the Charter of the City of Austin.

I have the honor to remain

Your most obedt^t servt

Jno H. Ballouman, Mayor.

and the appointment of Abornan S. Musina as President of the
 Council was confirmed under the following vote, to wit:

Yea - J. S. Beale, E. Eggleston, Harry Madison, J. H. Abornan
 Nay - S. Musina.

Attorney E. Eggleston submitted the following resolution:

Be it Resolved, by the City Council of the City of Austin,
 That the Committee on Streets & Alleys, ^{be instructed} to have the public walk situated
 on Red River street, between Pine and Ross & Ave Streets, cleared out,
 and to have a parapet wall of sufficient height constructed, to
 prevent children and animals from falling into.

Attorney H. Madison moved to amend said resolution by

including into its provisions another public-well situated on
that near Judge Price's residence, whereupon the resolution
thus amended ^{After a suspension of the regular} was passed by an unanimous vote.

Alderman J. Musina offered the following Resolution, to wit:

Be it Resolved by City Council of the City of Austin, That the Mayor be authorized to abandon the use of a certain part of the Market house building as a city salhouse and to apply it for other purposes for the use of the city.

On motion of Alderman L. F. Lester the rules being suspended, the resolution was passed by an unanimous vote.

Alderman J. Musina then offered the following Resolution:

Be it Resolved by the City Council of the City of Austin, That the Mayor be, and hereby is, authorized to accept and act upon any proposition made for re-renting the office-hall of the Market house which shall first have been approved by the Market house committee.

The rules being suspended, on motion of Alderman J. L. Bass, the resolution ^{was} passed by an unanimous vote.

A petition of Major H. R. Joyce of John Deas for leasing one of the market house shells to them for a less term than 12 months, was unanimously rejected by the City Council.

Mr. F. Sackett, ex-treasurer of the city of Austin, having filed his report for the time from Febr. 1. until Febr. 5th, 1841, on motion of Alderman J. Musina, said report was received by the City Council and ordered to be turned over to the present treasurer of the city.

On motion of Alderman J. H. Robinson, the Council adjourned until the next regular meeting.

Before adjournment, Alderman Musina offered the following Resolution, to wit:

"Be it resolved, by the City Council of ^{the} City of Austin, That the hospitality of the city be extended to Dr. M. T. Chapman and Col. J. J. Reynolds, and that the Mayor is hereby instructed to invite them to make a visit to Austin,"

which resolution was unanimously adopted.

Whereupon the Council adjourned

O. D. Lynd, Recorder

(Copy) This agreement made and entered into by and between John W. Moore
mayor of the City of Austin, Texas, party of the first part - and -
B. M. Dowd, J. B. Gandyman and J. A. McMillan, all of the
same place, party of the second part -

Witnesseth

The said party of the second part, separately and jointly, for themselves, agree to grade, lay in the curbstones and pave the sidewalks of Congress Avenue in the City of Austin, and State of Texas, from a point near the Capital gates to a point near the river banks, furnish all the material for the same, according to the specifications for the same contained in an ordinance of the City of Austin, approved February 24th, 1871, and the following additional specifications, viz: the pavements all the lab line to be four inches higher than the curbstone crest, and the curbstone to have a batter of one inch in every five inches.

The party of the first part to designate, or have designated, the points of beginning and ending, and the grades, which the party of the second part are to conform the pavements to.

The work to be commenced by the party of the second part, by the first day of May, A.D. 1871; and for each twenty-six (¹³⁶) legal working Days thereafter, the said party of the second part shall complete at least the pavement on each side of the Avenue for the distance of one square or block. All the work to be hammer dressed, true, square and free from wind.

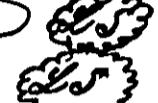
One Thousand dollars ingold to be deposited with the party of the first part before the signing of this instrument, by the party of the second part, to be forfeited upon the failure of the party of the second part to comply with any of the provisions of this agreement, and one-fourth of the amount collected for the party of the second part for the work done shall be retained by the party of the first part until the amount so retained shall equal Two Thousand (2000) Dollars, which amount shall be added to the One Thousand (1000) Dollars hereinbefore described and subject to a like forfeiture.

In consideration of the faithful performance of this agreement on the part of the party of the second part, the party of the first part will proceed under the laws in such cases made and provided and to be made and provided, and as the work heretofore described in fronting such separate property on the Avenue shall be completed, to assess and collect from such property, for the value of such work, the sum of Eight Dollars and Fifty Cents in gold (\$8 50) for each foot of said property fronting on said Avenue; and after retaining the one-fourth as before described, pay over to the party of the second part the remaining sum, upon the full and final completion of this contract satisfactorily, to pay over to the said party of the second part the Three Thousand

(3000) Dollars retained as hereinbefore described.

Property fronting upon the Avenue whose owners have properly notified the Mayor of their intention to construct the pavement themselves, is exempt from the conditions of this contract so far as relates to the party of the second part.

In testimony whereof, the one Thousand Dollars (\$1000) in gold having first been paid to the Mayor of the City of Austin, witness our hands and seals done in the City of Austin this eleventh day of April, Ad. 1871,

(sgd) B. M. Doan 
 " I. B. Grindelmann 
 " J. W. Miller 
 " John H. Shaw, 
 Mayor of the City of Austin

Witnesses to all signatures

(sgd) Henry Newson
 S. J. Gallaudet

Austin C.
 G. T. Grindel
 Recorder.